

REMARKS

Summary of Applicants' Reply

Applicants amend claims 2, 11, 15, 24, 28, 37, 41, and 50 to more distinctly describe the claimed subject matter. No new matter has been added by these amendments. Applicants respectfully traverse the rejections and request reconsideration in light of the following remarks.

Rejections under 35 U. S. C. § 103

Independent claims 2, 15, 28, and 41 recite a particular and innovative sequence of allowing a user to quickly navigate to "display modes" within a program guide while the user is watching a program or when the user is already in an "interactive program guide display" of the guide. Responsive to a "menu input" from a first display (i.e., the program or guide display) the guide displays a menu simultaneously with a substantial portion of the first display (e.g., by overlay or by partitioning the screen). The menu has "menu choices corresponding to display modes" of the guide. The user may select one of the choices to view "program guide information" corresponding to the selected menu choice.

The Office Action acknowledges that Youman does not display its Menu of FIG. 6A simultaneously with a previously displayed program or interactive guide display. (Office Action, page 8). For that feature, the Action looks to Rowe's simultaneous display of program categories and program listings. (Office Action, page 3.) This combination, however, does not render obvious the claimed approach.

As an initial matter, the categories and listings in Rowe are clearly displayed in different sections of the same display. Rowe does not disclose displaying the program listings with the categories as the result of a user input from a previous display (without the listings) of the category. The listings and the categories are always displayed, as part of one display. For this fundamental reason Applicants submit that the rejection should be withdrawn.

But even if that were not the case (which is not conceded), the combination would still not render the claims obvious because one of ordinary skill would, based on Rowe, arrive at an entirely

different approach than that claimed. Rowe's program listings are "program guide information", which is what is displayed in Applicants' claimed approach after the user has selected a menu option from the second display. Borrowing, without conceding, the logic of the Office action (and the alleged teaching of Rowe expressed in the office action), one of ordinary skill would, based on Rowe, at best only start by displaying Youman's menu, then in response to a choice of a display mode simultaneously display listings for the menu choice. The listings and categories in Rowe are clearly linked - the selection of a category causes the display of relevant listings. Generously construed, again without conceding, this teaching would lead one of ordinary skill to start with Youman's menu -- the only natural starting point -- in order to provide program listings ("program guide information") with the menu. That, applicants respectfully submit, is the only fair, common sense reading of Rowe if the Examiner's contention were to be accepted (which applicants do not). Put another way, the Examiner's logic in forming the combination between Youman and Rowe eliminates the entire "first display" from applicants' claims.

Hendricks was cited by the Examiner as allegedly showing other limitations of applicants' dependent claims and does not make up for the deficiencies in the combination.

While applicants believe that the foregoing remarks are sufficient to overcome the § 103 rejection of the independent claims, applicants have amended the claims to clarify that the first display includes a program or an IPG display, in response to the Examiner's suggestion that such a clarification would advance prosecution of the application (see Office Action, page 8).¹

For at least the foregoing reasons, Applicants request reconsideration and withdrawal of the § 103 rejection of amended independent claims 2, 15, 28, and 41. Applicants also request reconsideration and withdrawal of the rejections of dependent claims 3-14, 16-27, 29-40, and 42-53 for at least the same reasons.

¹ Applicants scheduled a telephonic interview with the Examiner on February 11, 2010 to discuss the Office Action and the Examiner's suggestion. However, that interview did not materialize due to the emergency closing of the USPTO offices from February 8-11. Applicants' subsequent attempts to reschedule the interview have been unsuccessful.

Should the Examiner decide to issue another Office Action, Applicants invite the Examiner to call the undersigned at (617) 951-7814 prior to issuing said office action, in order to expedite prosecution of this application.

Applicants believe no fee is due with this response, other than those reflected on the enclosed Amendment Transmittal. However, if an additional fee is due, please charge our Deposit Account No. 06-1075, under Order No. 003597-0001 from which the undersigned is authorized to draw.

Dated: February 19, 2010

Respectfully submitted,

By___/Regina Sam/_____
Regina Sam
Registration No.: L0381
ROPES & GRAY LLP
Customer Number: 75563
Attorneys/Agents For Applicant